

Appropriations Language

Summary of Changes

- Boilerplate appropriations language has been provided for credit programs to reimburse the Federal Financing Bank (section 31.5).
- Guidance is provided on appropriations language requirements for programs that disburse over a period longer than five fiscal years.

31.1. General.

Appropriations language prepared for the budget transmits the President's budget requests to the Congress. Agencies are required to provide appropriations language on a separate page for each account for which appropriations or limitation language has been enacted in the current year or is proposed for the budget year.

Appropriations language submissions contain:

- language as enacted for the current year, with the proposed changes for the budget year, if any; or
- proposed language if none was enacted for the current year and it is required for the budget year; and
- statutory references.

For accounts that cover direct loan or loan guarantee programs, appropriations language must be included for the subsidy costs, loan levels, and administrative expenses, unless specifically exempted by OMB (see section 31.5).

For programs funded by budget authority that will be disbursed over periods longer than five fiscal years after the authority expires, see section 31.5(b).

Proposed substantive changes in appropriations language should accompany the initial budget submission to provide adequate time for consideration of revisions.

31.2. Form of language submissions.

Language submissions will be in the format of exhibit 31A or 31B. The text printed in the appropriations acts for the current year constitutes the primary source of material for the language submissions. OMB will furnish each agency with reprinted galleys (see section 30.1) containing enacted current year appropriations language.

If this is not possible, OMB will provide copies of the enrolled bills showing appropriation items as they appear in the annual appropriations act, continuing resolution, or in supplemental, rescission,

or other appropriations acts for the current year. (These copies are for the use of the agency in preparing language submissions required by OMB and for the agency's own use.) In this case, the print materials submission of each appropriation item will be prepared by gluing the language from the enrolled bill on a separate sheet of paper. Changes to the appropriation language will be made in accordance with section 31.3.

In preparing the language, all of the text in the appropriations act will be used, except the preamble and the title of the act. If the organizational unit is not identified as a heading in the text, it will be inserted at the top of the sheet. Where amounts have been appropriated, in addition to the regular appropriations for the current year (e.g., supplemental or rescission action), the text from the additional appropriations will be glued on the same sheet as the text from the annual act, and the account title from the additional appropriation will be omitted (exhibit 31B). The citation for the additional appropriations will follow the specific language and will be shown in parentheses and underscored. In cases where the entire amount available was provided in a supplemental or other appropriations act, the title and any immediately preceding organizational unit identification will appear in the same manner as items from an annual act.

If no current year appropriation has been enacted, the proposed appropriation language will be typewritten as new material and underscored. If an appropriation for the current year is provided in a continuing resolution, the proposed language will be prepared as follows:

- where the continuing resolution includes specific language by account, that language will be submitted in the same manner as language that was provided in a regular appropriations act;
- where the continuing resolution enacts specific language by reference to an appropriations bill,

the agency's OMB representative will provide guidance on preparation of the language submissions; or

- where the continuing resolution refers only to a level or rate (e.g., to the lower of the House or Senate level, Senate level, or current rate), the proposed language for the budget year will be submitted as new material. An explanatory note will be provided by OMB for insertion following the language.

31.3. Changes in language and amounts.

Changes to appropriations language will be made as follows:

- When a change in the language, amount, or account title is proposed for enactment by Congress, any material to be omitted will be enclosed in brackets [].
- New material will be typewritten (double-spaced, if practicable) and underscored in the right margin of the page.
- New material should always follow bracketed material, even though bracketed material may only include figures and new material includes additional language.
- Amounts will be stated in dollars rounded to the nearest thousand (e.g. \$10,951,000; *not* \$10,950,768).
- A caret (^) and line should indicate clearly the place where the new material will be inserted (i.e., following the bracketed material it is replacing).
- Brackets, carets, and insert lines are to be made using black lead pencil (not typed).
- Care should be taken not to obliterate pre-existing punctuation marks.

Budget year appropriations requests included in appropriations language must be consistent with BY appropriations requests reported in thousands in MAX schedule T (see section 36.10).

Changes to administrative and general provisions should be made in the same manner. If an entire numbered section is proposed for deletion, the material to be omitted should be enclosed in brackets. Subsequent section numbers should be bracketed and revised numbers inserted, following the bracketed material. Proposed new provisions should be inserted at the end of the current law provisions (see exhibit 31C).

31.4. Statutory references.

Following the appropriations language, supporting statutory references will be inserted in parentheses

and underscored. Agencies will furnish and are responsible for the correctness of all statutory references.

These references will be shown in the following sequence:

- (1) *Basic authorizing legislation (including currently effective amendments), treaty, or executive order* that continues in effect during the budget year. Such citations will usually be by reference to the United States Code. Citations should be in this order of preference:
 - to the United States Code; or
 - to the public law number; or
 - to the popular title of the law (if there is one); or
 - to the date of the Act, followed by the applicable volume and page of the Statutes at Large.

Citations to Government-wide, generally applicable laws (e.g., title 5 of the U.S. Code) should not be referenced.

Executive orders will be cited by number. Citations to the same title of the U.S. Code should be consolidated, and titles (and sections thereunder) should be listed in ascending numerical order. Avoid multiple citations to the same legislation. If a citation is included in statutory text, it should not be repeated in parentheses.

- (2) *The appropriations act from which the text of the appropriations language has been taken.*—Generally, references will be to the short title of the entire act. If an appropriations act provides a citation for a specific title, that citation will be used. If the act or title thereof has no short title, the agency's OMB budget representative will specify the citation to be used. (When two or more appropriations act citations are required, e.g., a regular appropriations act and a supplemental appropriation act, each citation will follow the appropriations language to which it is applicable.) Where language in an appropriations bill was enacted by reference in a continuing resolution, the continuing resolution (not the referenced bill) will be cited.

31.5. Special appropriations language requirements.

(a) **Credit programs.**—Each program account associated with a direct loan or loan guarantee program must contain a request for an appropriation for the subsidy costs on a net present value basis; the loan level supportable by that subsidy; and

administrative expenses for operating the credit program.

Where loans are disbursed within five years of obligation, the following standard subsidy appropriation language should be used, as appropriate:

[For the cost of direct loans, \$———,] [and] [for the cost of guaranteed loans, \$———,] as authorized by [authorizing statute]: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize [gross obligations for the principal amount of direct loans not to exceed \$———] [and] [total loan principal, any part of which is to be guaranteed, not to exceed \$———.] In addition, for administrative expenses to carry out the [direct] [and] [guaranteed] loan program[s], \$———.

Where administrative expenses are proposed to be transferred to a salaries and expenses account, the following phrase should be substituted for the last sentence above:

In addition, for administrative expenses to carry out the [direct] [and] [guaranteed] loan program[s], \$———, which shall be [transferred to and merged with the appropriation for [name of account]] [or, to the extent necessary,] [used to reimburse the Federal Financing Bank as authorized in section 505(c) of the Congressional Budget Act of 1974].

Where loans are disbursed beyond the five year period after obligation, see section 31.5(b).

When agencies believe that the nature of a program requires a modification of the specified language, an exception may be requested in accordance with section 11.6.

(b) Programs that disburse over a period longer than five fiscal years.—Unless otherwise specified by law, budget authority is available for liquidating obligations (i.e., outlays) for only five fiscal years

after the authority expires. This could be problematic for programs funded by annual or multi-year budget authority where disbursements are expected to occur more than five fiscal years after the authority expires. Where loans or other costs (such as termination costs for some contracts and annual lease payments under operating leases, capital leases, or lease-purchase agreements) will be disbursed beyond the five-year period, the following standard proviso, modified as appropriate, should be used to ensure that the budget authority will remain available for disbursement over the full term of the contract:

Provided, That such sums are to remain available through 20XX for the disbursement of [loans] [lease payments] [termination costs] obligated in fiscal year XXXX.

31.6. Explanations relating to appropriations language.

No explanations or justifications will be written on the language submissions, except notes required for printing as indicated above. The following material must be submitted separately to support the language submissions:

- an explanation and justification of all new provisions, deletions and proposed changes in the language of the appropriation, other than changes in amounts, including changes to general and administrative provisions;
- a list of new provisions in the proposed language and explanation of the purpose of each; and
- a copy of a letter from the Office of Personnel Management approving any new provisions that relate to employment of personnel without regard to civil service or classification laws.

Appropriations Language•

Without Current Year Supplemental Appropriation•

PY—past year
CY—current year
BY—budget year

DEPARTMENT OF GOVERNMENT

The original will be returned to OMB.

Headings will be added to reflect the organizational unit, unless they already appear as separate lines at this point in the appropriations act.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary, including not to exceed ~~[\$9,992,000]~~for expenses of travel; purchase (not to exceed ~~[one]~~for replacement only) and hire of passenger motor vehicles; ~~[and]~~ services as authorized by 5 U.S.C 3109; ~~[\$3,220,000: Provided, That not to exceed \$20,000 of the amount appropriated under this head in the Department of Government Appropriation Act, 19PY, shall remain available during the current fiscal year]~~^.

\$9,944,000

three, of which two shall be

and uniform or allowances therefore, as authorized by 5 U.S.C. 5901-5902; \$3,225,000

(10 U.S.C. 3624; P.L. 92-926; Act of June 21, 1970, 82 Stat. 898; Department of Government Appropriations Act, 19CY.)

Underlined reference in parentheses will be made to basic authorizing legislation (unless cited in the body of the language) and to the act or acts containing the appropriations text reproduced on the language sheet. See section 31.4 for the preferred method of making citations. Do not provide parallel citations or citations to Government-wide, generally applicable laws (e.g., title 5 of the U.S. Code).

KEY POINTS:

1. Deletions are shown by brackets [].
2. Inserts are shown by carets ^ and follow (not precede) bracketed matter.
3. Language to be inserted is shown in the space at the right underscored.
4. All brackets, carets, and insert lines are to be made in *black lead pencil* (not typed) so as not to obliterate punctuation marks.

Appropriations Language•

With Current Year Supplemental Appropriation•

Headings will be added to reflect the organizational unit, unless they already appear as separate lines at this point in the appropriations act.

PY—past year
CY—current year
BY—budget year

DEPARTMENT OF GOVERNMENT

BUREAU OF EDUCATION

The original will be returned to OMB.

SALARIES AND EXPENSES

For necessary expenses, including uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, and services authorized by 5 U.S.C. 3109, [\$20,416,000] ^ _____

\$20,355,000

(5 U.S.C. 9206; 15 U.S.C. 206; Department of Government Appropriations Act, 19CY.)

[For an additional amount for “Salaries and Expenses,” \$200,000.]

(Supplemental Appropriations Act, 19CY.)

Include text from current year supplemental appropriations acts, where applicable, even though the supplemental only provides an additional amount.

Underlined reference in parentheses will be made to basic authorizing legislation (unless cited in the body of the language) and the act or acts containing the appropriation text reproduced on the language sheet. See section 31.4 for the preferred method of making citations.

KEY POINTS:

1. Deletions are shown by brackets [].
2. Inserts are shown by carets ^ and follow (not precede) bracketed matter.
3. Language to be inserted is shown in the space at the right underscored.
4. All brackets, carets, and insert lines are to be made in *black lead pencil* (not typed) so as not to obliterate punctuation marks.

General Provisions—Print Material Submission•

GALLEY PROOF

TITLE VII—GENERAL PROVISIONS

[SEC. 701. Within the unit of limit of cost fixed by law, appropriations and authorizations made for the Department of Government for the fiscal year 1996 under this Act shall be available for purchase, in addition to those specifically provided for, of not to exceed 665 passenger motor vehicles, of which 664 shall be for replacement only, and for the hire of such vehicles.]

SEC. [702]^. Funds in this Act available to the Department of Government shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901–5902). 701

[SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Government in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954 (7. U.S.C. 427, 1621–1629), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.]

SEC. [704]^. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed [\$2,000,000] ^; *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator. 702

SEC. [705]^. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein. 703

SEC. 704. From funds made available to the Department of Government in this Act, the Secretary may transfer amounts to "Department Administration," to be merged with such account and available for the same purpose.

KEY POINTS:

1. Deletions of entire sections are shown by use of brackets.
2. Section numbers, after those sections proposed for deletion, are bracketed and revised numbers are shown in the margin and underscored.
3. Any proposed new sections are included at the end of the current law provisions and underscored.
4. Inserts are shown by carets (^) and follow (not precede) bracketed matter.